

**THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF NORTH CAROLINA
ASHEVILLE DIVISION
CIVIL CASE NO. 1:15-cv-00109-MR**

SANDRA M. PETERS, on behalf of)
herself and all others similarly)
situated,)
)
Plaintiff,)
)
vs.)
)
AETNA INC., AETNA LIFE)
INSURANCE COMPANY, and)
OPTUMHEALTH CARE SOLUTIONS,)
INC.,)
)
Defendants.)
_____)

ORDER

THIS MATTER is before the Court on the Motion for Leave to File Sur-Reply [Doc. 117] filed by the Defendant OptumHealth Care Solutions, Inc. (“Optum”) and the Defendants’ Joint Motion for Leave to File under Seal Portions of Optum’s Sur-Reply Brief to Plaintiff’s Motion to Compel [Doc. 119].

Optum seeks leave to file a surreply in support of its response in opposition to the Plaintiff’s Motion to Compel. [Doc. 117]. The Plaintiff opposes the Defendant’s Motion.

Nothing in the Court's standard Pretrial Order and Case Management Plan authorizes the filing of a surreply brief. The Local Rules provide that such briefs "are neither anticipated nor allowed by this Rule, but leave of Court may be sought to file a surreply when warranted." LCvR 7.1(e). "Generally, courts allow a party to file a surreply only when fairness dictates based on new arguments raised in the previous reply." DiPaulo v. Potter, 733 F. Supp. 2d 666, 670 (M.D.N.C. 2010).

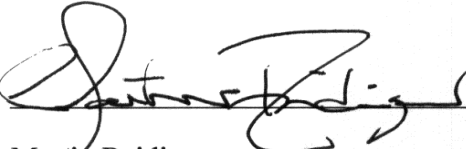
The Court does not find that fairness so dictates here. The Plaintiff's Motion to Compel has been exhaustively briefed, and the Court is more than capable of discerning the positions of the parties from the briefs that have already been filed.

IT IS, THEREFORE, ORDERED that Optum's Motion for Leave to File Sur-Reply [Doc. 117] is **DENIED**.

IT IS FURTHER ORDERED that the Defendant's Joint Motion for Leave to File under Seal [Doc. 119] is **DENIED AS MOOT**.

IT IS SO ORDERED.

Signed: May 15, 2018


Martin Reidinger
United States District Judge

